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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,690	03/07/2002	Thomas Bartl	02P03755US	2489

7590 04/07/2005

Attn: Elsa Keller, Legal Administrator
Siemens Corporation
Intellectual Property Department
186 Wood Avenue South
Iselin, NJ 08830

EXAMINER

AMINZAY, SHAIMA Q

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/092,690

Applicant(s)

BARTL ET AL.

Examiner

Shaima Q. Aminzay

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 2-10 and 12-14 is/are allowed.
6) ☒ Claim(s) 1, 11 and 15 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 07 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The following office action is in response to Amendment, filed October 19, 2004.

Claims 1-15 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 11, and 15 are rejected under 35 U.S.C.103(a) as being unpatentable over Mochizuki (Mochizuki U. S. Patent 6,580,901) in view of Lomp (Lomp et al. U. S. Publication 2002,0118,653).

Regarding claim 1, Mochizuki discloses a telecommunications device (see for example, column 1, lines 9-26), comprising: an open loop power controller adapted to maintain a first phasing table and a channel-temperature table for example, column 5, lines 58-65, and column 7, lines 60-63, column 3-7 (table), the open loop controller maintaining channel-temperature

and control unit Figure 6 (8) maintaining temperature and phase table), and a closed loop power controller adapted to maintain a second phasing table and receive a power detector output (see for example, column 5, lines 65-67 continued to column 6, lines 1-6, and column 7, lines 21-54, column 11, lines 3-7 (table)), the closed loop power controller, maintaining phase and power detector output), and said closed loop power controller is adapted to provide said power set value in a second mode (see for example, column 7, lines 48-54, column 8, lines 54-59, closed loop power control and providing set values), and in said second mode said closed loop power controller receives said power detector output during a transmit burst and after a transmit burst (see for example, column 6, lines 38-55, and column 7, lines 21-67 continued to column 8, lines 1-35, closed loop power controller receiving detector output and transmit burst).

Mochizuki does not specifically disclose the open loop power controller is adapted to provide a power set (APC) value in a first mode, however, Mochizuki teaches the power controller is adapted to provide a power set (APC) values (see for example, column 8, lines 60-64, column 10, lines 4-8, and lines 13-18).

In a related art dealing with telecommunication system with closed loop and open loop power control (see for example, section [0002], lines 1-4, [0006], lines 15-19, Lomp teaches wherein said open loop power controller is adapted to provide a power set (APC) value in a first mode (see for example, paragraph [0006], lines 1-8, lines 15-23, [0021], lines 1-14, providing ACP with open loop power controller).

It would have been obvious to one of ordinary skill in the art at the time invention was made to include Lomp's open loop power controller ACP into Mochizuki's open-loop and closed-loop telecommunication system (see for example, Mochizuki, column 5, lines 58-67) to provide a telecommunication system "which minimizes the system's overall power requirements" and controls the initial transmit power level of a remote user and manages total system capacity (Lomp, paragraph [0034], lines 19-23).

Regarding claims 11 and 15, Mochizuki discloses a telecommunications system (see for example, column 1, lines 9-26), comprising: providing an open loop (first mode or low power mode) power controller adapted to maintain a first phasing table and a channel-temperature table (see for example, column 5, lines 58-65, and column 7, lines 60-63, column 11, lines 3-7 (table), the open loop controller maintaining channel-temperature (saturated), and control unit Figure 6 (8) maintaining temperature and phase table), and providing a closed loop (second mode or high power mode) power controller adapted to maintain a second phasing table and receive a power detector output (see for example, column 5, lines 65-67 continued to column 6, lines 1-6, and column 7, lines 21-54, column 11, lines 3-7 (table), the closed loop power controller, maintaining phase and power detector output), and said closed loop power controller is adapted to provide said power set value in a high power or second mode (see for example, column 7, lines 48-54, column 8, lines 54-59, closed loop power control

and providing set values), and said closed loop power controller receives said power detector output during a transmit burst and after a transmit burst (see for example, column 6, lines 38-55, and column 7, lines 21-67 continued to column 8, lines 1-35, closed loop power controller receiving detector output and transmit burst), and receives a power detector output after a transmit burst and uses the difference between the outputs [to derive said APC value] (see for example, column 5, lines 65-67 continued to column 6, lines 1-6, column 7, lines 21-54, and column 8, lines 48-64, power detector output and transmit burst).

Mochizuki does not specifically disclose the wherein said open loop power controller is adapted to provide a power set (APC) value [in a low power mode (first mode)], however, Mochizuki teaches the power controller is adapted to provide a power set (APC) values (see for example, column 8, lines 60-64, column 10, lines 4-8, and lines 13-18).

In a related art dealing with telecommunication system with closed loop and open loop power control (see for example, section [0002], lines 1-4, [0006], lines 15-19, Lomp teaches wherein said open loop power controller is adapted to provide a power set (APC) value in a low power mode (first mode) (see for example, paragraph [0006], lines 1-8, lines 15-23, [0021], lines 1-14, providing ACP with open loop power controller), and further, driving ACP values (see for example, section [0052], lines 1-2, [0053], lines 1-28, [0054], lines 1-9, and [0056], lines 1-5).

It would have been obvious to one of ordinary skill in the art at the time

invention was made to include Lomp's open loop power controller ACP into Mochizuki's open-loop and closed-loop telecommunication system (see for example, Mochizuki, column 5, lines 58-67) to provide a telecommunication system "which minimizes the system's overall power requirements" and controls the initial transmit power level of a remote user and manages total system capacity (Lomp, paragraph [0034], lines 19-23).

Allowable Subject Matter

2. Claims 2-10, and 12-14 are allowed.

Response to Arguments

Note: This office action has been restructured for clarity. Examiner did not change the ground of rejection; but has changed the argument of the rejection to reflect the new amendment of the claims. Both references Mochizuki (Mochizuki U. S. Patent 6,580,901) in view of Lomp (Lomp et al. U. S. Publication 2002,0118,653) teach the limitations of claims 1, 11, 15, and the Examiner shows (rejection above) that both references are related to the claimed limitations.

3. Applicant's arguments filed October 19, 2004 have been fully considered but they are not persuasive.

The applicant's argued features in the claims (1, 11, and 15), i.e., providing a telecommunications power control system with an open loop power controller adapted to maintain a first phasing table with a channel-temperature table and automatic power control value in a first mode or low power mode, and a closed loop power controller adapted to maintain a second phasing table and receive a power detector output during a transmit burst, and uses the difference between the outputs to derive the automatic power control value to be established read upon Mochizuki (Mochizuki U. S. Patent 6,580,901) in view of Lomp (Lomp et al. U. S. Publication 2002,0118,653) as follows.

Mochizuki discloses a telecommunications system providing a burst type transmission output power including an open loop power controller adapted to maintaining channel-temperature (saturated) phase table with a control unit, and providing a closed loop power controller adapted to maintain phase and connected to a power detector to receive detector output during transmit burst, Mochizuki does not specifically disclose the open loop power controller is adapted to provide a power set (APC) value [in a low power mode (first mode)], however, Mochizuki teaches the power controller is adapted to provide a power set (APC) values. In a related art dealing with telecommunication system with closed loop and open loop power control, Lomp teaches the open loop power controller is adapted to provide a power set (APC) value in a low power mode (first mode), and further, driving ACP and channel selection with phase

information (see for example, sections [0063] through [0067] including tables 1-2, [0067], lines 6-9).

Mochizuki and Lomp are both analogous to the applicants teaching, that's why they do obviate.

Therefor, Examiner believes the claims are broad enough to include Lomp's open loop power controller ACP into Mochizuki's power control telecommunication with open-loop and closed-loop power controls.

The rejection is maintained.

Conclusion

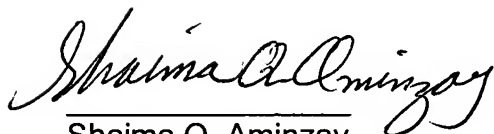
THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action

Inquiry

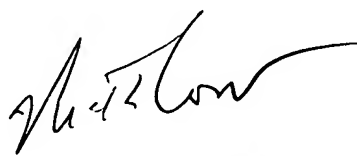
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaima Q. Aminzay whose telephone number is 703-305-8723. The examiner can normally be reached on 7:00 AM -5:00 PM.

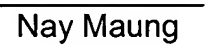
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745, the primary examiner, Nick Corsaro can be reached on 703-306-5616. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Shaima Q. Aminzay
(Examiner)

March 22, 2005


NICK CORSARO
PRIMARY EXAMINER


Nay Maung
(SPE)
Art Unit 2684